



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

it is error not to do so. *State v. Brainard*, 25 Iowa, 572. If there is no conflict, the judge may assume the evidence to be true and charge upon it directly without any hypothesis. *Byron v. State*, 117 Ala., 80. It is not error for the judge to refuse to charge the jury that they are not absolutely bound by the opinion of the court on matter of fact. *People v. Hawkins*, 106 Mich., 479. The better rule seems to support the principal case, the courts in accord are of greater number than those contra and are in the older states.

COPYRIGHT—INFRINGEMENT—EQUITY.—*DAVIES v. BOWES*, U. S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK, NOV., 1913.—Plaintiff employed by and having been assigned the copyright privileges of the *Evening Sun*, wrote and published a short story under the caption, "News of the Theatres". The story was cast in the form of an actual occurrence to make it more "striking". One Kenyon, on reading the story, thought it was the statement of an actual occurrence, and from it constructed a play called "Kindling". Defendant produced the play. Plaintiff brought this action for infringement of copyright. *Held*, one who publishes news as fiction cannot obtain a valid copyright.

It is well established in England that a newspaper is a subject of copyright. *Cote v. Newspaper Co.*, 58 L. J. Rep., 288; *Trade Auxiliary Co. v. Protective Association*, 58 L. J., 293. In the United States the contrary doctrine appears to prevail. *Claton et al. v. Stone et al.*, Fed Case, 2872; *Tribune Co. of Chicago v. Associated Press*, 116 Fed., 126; *Harper v. Shoppel*, 26 Fed., 519. But news is not a subject of copyright. *State ex rel Star Pub. Co. v. Associated Press*, 159 Mo., 410. That which is designed to convey information or to explain is a proper subject for copyright. *Amberg File & Index Co. v. Shea, Smith & Co.*, 82 Fed., 314; *Baker v. Selden*, 101 U. S., 99. There can be no copyright in a publication whose effect is to encourage crime, or is indecent and pernicious *per se*, or in a dramatic composition which is grossly indecent and calculated to corrupt the morals of the people. *Martinetti v. Maguire*, 1 Deady, 216; *Richardson v. Miller*, 3 L. & Eq. Rep., 614. Where there is a false pretense as to authorship, such transaction is a fraud on the public and defeats the copyright. *Byron v. Johnston*, 2 Meriv., 29; *Seeley v. Fisher*, 11 Sim., 581. While this decision may be sound in denying the plaintiff a right to recover damages, it is clearly erroneous in holding that the plaintiff obtained no valid copyright, and is without authority to support it. In view of the authorities cited, the plaintiff would clearly be entitled to a copyright, but having obtained a copyright and having published his work as an account of an actual occurrence and without any notice of his copyright, or that it was only fiction, he ought not now be heard to complain.

HUSBAND AND WIFE—CONTRACTS OF WIFE—BINDING EFFECT.—*WARDEN ET UX. v. MIDDLETON ET AL.*, 161 S. W. (ARK.), 151.—*Held*, a married woman was not personally liable on a note executed by her for her hus-